

**A MEETING OF THE SEWER BOARD OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY-COUNTY BUILDING ON THURSDAY, JULY 10, 2008 AT 8:30 P.M.**

**PRESENT:** Chairman Ron Carroll, Vice Chairman Bill Utz, Elizabeth Coyle.

**OTHERS:** Brian Dixon and Tim Crawford, EMC, Brad Kessans, Kelly Welsh and City Clerk Marcey Wisman.

**CALL TO ORDER:**

**Mr. Carroll called the meeting to order at 8:30 a.m.**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Utz moved to approve the July 10<sup>th</sup> meeting minutes with amendments, Ms. Coyle second, all voted in favor.**

**BIDS:**

**COMMUNICATIONS - PUBLIC:**

**COMMUNICATIONS - CITY OFFICIALS**

**Mr. Buchanan** reported that some of the easements in Basin 16 had structures in the easements and Mr. Dixon asked how to proceed. He advised that there are alternatives to take into consideration with regards to this matter. He explained that they should require that no one be allowed to build a permanent structure in an easement and they can either have them remove the structure; reroute and charge the residents for the difference or they can look at the cost and justify whether the work is worth doing. He stated that there is a shed that can be moved and there is a garage with a concrete floor. He stated that as of right now the City is within its rights to order the garage to be torn down.

**Ms. Coyle** stated that the shed could be moved at the owner's expense.

**Mr. Crawford** stated that when Mr. Dixon returns from vacation he will have him go out and look at the garage to see what it would cost to reroute that portion of the line.

**Mr. Christmas** stated that he has this same situation in the easement for Basin 35 and he will follow what the board does with Basin 16.

**SEWER ADJUSTMENTS:**

**Ms. Welsh** stated that they will typically not see many adjustments in the summer time because of the summer watering program. She explained that even if they have high water bills it usually doesn't affect their sewage. She stated that they did not make the new summer water plan retroactive so it started in June this year and will start in May of next year.

**NEW BUSINESS:**

**Item #1 - Robert Kost re: drainage ditch located on Slate Run 945-2809**

**Mr. Cost** stated that he lives at 1613 Slate Run and he and his two neighbors have a problem with a drain that is not working and the City has been out several times to try to unclog it even though it is not the City's drain. He explained that it will work for several days and then clog up again. He stated that it is not draining and wants to know if there is anything they can do.

**Mr. Buchanan** told him that this is a private action between citizens and he needs to get a private attorney.

**Mr. Cost** stated that it was originally the Cities property but they gave it back to the property owners and they can't find it on record who put the ditch in.

**Mr. Buchanan** advised the board and Mr. Cost that this is not a matter for the City to get involved in unless the board wants to voluntarily get involved in.

**Mr. Utz** stated that even if the City wanted to get involved this is the wrong board to bring it before because it would be a matter for Storm Water.

**Mr. Cost** stated that he is not going to do anything because it is his neighbors issue and if he fills it in it will cause even more problems.

**Mrs. Coyle** explained the situation in further detail and explained that EMC did come in to try and clear it out but there is so much debris and they can't bring in any heavier equipment. She stated that all they could do would be to try and help them dig it up but they do not have the equipment to go in and dig it up. She stated that she had a similar problem on her property and she dug it up by hand and replaced the pipe and that is what they need to do.

**Mr. Buchanan** stated that he is not going to give them legal advice but they may or may not have a claim against the person or property owners whose water is flooding their property.

**Mrs. Coyle** asked if they had tried talking with the owner of the nursery to see if he would do anything about the issue.

**Mr. Cost** stated that they have and he will not do anything to help them out.

**Ms. Coyle** advised them that they need to replace the existing 4" corrugated pipe with a smoother larger pipe and go to the health department and explain that the stagnate water tested positive for West Nile virus and they are concerned for the health of the community.

**Mr. Cost** stated that the Health Department has already set out traps in the area for mosquitos.

**Mrs. \_\_\_\_\_** stated that they know he has to water the plants but he could do it in a different way to alleviate the problem and they have tried to address this with the owner but he ignores them.

**Mr. Kessan's** stated that he didn't do a lot of the testing for the Health Department but they do have ordinances in place to help them enforced this issue and they should be able to help them out.

**Mrs. Coyle** stated that it doesn't sound like the drain is doing any good and she will go back and see if she can find out who put in the catch basin but in the meantime they need to contact the Health Department because they simply do not have any ordinances on file to help them with this situation and someone needs to dig up that pipe and replace it.

**Mrs. Mary Gonzolas**, 3083 Cobblers Crossing Rd. stated that on June 23, 2008 they were outside and noticed that there was a power failure to the pump station. She stated that when this happens everyone in the area knows not to use any water unnecessarily because it happens so frequently and at least two times the sewers have backed up during this outage in the basement and through the toilet as well. She stated that they have been told that they are going to do something about the issue but it is ongoing and they are looking for a solution.

**Mr. Buchanan** asked if they had filed a tort claim.

**Mr. Carroll** stated that they have.

**Mr. Buchanan** stated that since they are represented by council he would suggest that there be no further discussion in regards to this claim because it is in the City Attorney's hands and it is a legal matter now.

**OLD BUSINESS:**

**Item #1 - Clark Dietz re: Project Update**

**Wes Christmas** reported that they still have the proposal for the McLean Lift Station in their hands and he wanted to know how the board wanted him to proceed.

**Mr. Utz made a motion to move forward with the preliminary design on the McLean Lift Station, Ms. Coyle second, all voted in favor.**

**Mr. Carroll** stated that he appreciated Mr. Christmas' input at the wage meeting the other day. He asked how they decide who gets notified for bids when there is an emergency repair.

**Mr. Crawford** stated that when they have an emergency repair they have a list of contractors that they send them to but with Basin 16 will be advertised.

**Mr. Carroll** asked how they decide which contractor to use when there is an emergency.

**Mr. Crawford** stated that it is just based on history of work performance that they have with local companies.

**Mr. Carroll** said he didn't want to say who made the complaint but one of the local contractors was upset that they were not notified for one of the jobs.

**Ms. Coyle** asked if in the future they could provide the board with a list of the contractors they are going to contact.

**Mr. Christmas** asked Mr. Buchanan if he had looked over the issue of the City's responsibility to locate sewer laterals.

**Mr. Buchanan** stated that he had not had a chance to do that yet.

**Mr. Christmas** reminded Mr. Buchanan to follow up in the EPA additional credits request.

**Mr. Carroll** asked Mr. Buchanan how they protect the City if a contractor does not pay their sub-contractors.

**Mr. Christmas** stated that the City is protected through the bonding.

**There was a lengthy discussion regarding the requirements for bonding as part of the bid and how they protect the City**

**Item #2 - Donohue re: Project Update**

**Paul Elling** addressed the board and informed them that they have finished plans for the strainer and they have been approved. He reported that on 15<sup>th</sup> Street emergency repair they have finished the drawing and specs and he has submitted them to CSX as they agreed at the meeting, but he has not heard back from CSX. He explained that he has contacted Duke Power about moving the pole and he asked if the board would approve installing underground connections rather than aerial lines so that they no longer have this problem. He stated that Duke will pay for the underground line but some will have to pay for the moving of the power connection to the house which will cost about \$1,000 to \$1,500. He stated that Duke could not get to this for 2 or 3 weeks.

**Ms. Coyle** asked how that would affect the project.

**Mr. Elling** stated that this will not affect the schedule because this pole is closer to the end of the project.

**Mr. Elling** asked if they wanted the contractor to incorporate this into their work or some other entity.

**Ms. Coyle** stated that they just needed to call a plumber when they are ready to do the work.

**Mr. Buchanan** stated that the contractor could sub that out for up to \$1500 and if it was more they needed to bring it before the board.

**Mr. Utz moved to proceed with the engineering design for the 15<sup>th</sup> Street sanitary system not included in the emergency repairs, Ms. Coyle second, all voted in favor.**

**Mr. Elling** stated that they have the agreement for the Flow Monitoring. He stated that they still need to know what type of skater reporting they would like and the type of telemetry reports that wants. He reviewed the agreement, which is on file with the City Clerk's office.

**There was a lengthy discussion regarding the agreement and the order of the work they will perform.**

**Ms. Coyle** stated that she would like for them to do the study first before they do the programming. She also stated that she wants two- way telemetry.

**Mr. Utz moved to approve parts A, B and C and do part B first, Ms. Coyle second, all voted in favor.**

**EMC REPORT:**

**Mr. Crawford** stated that he was only going to report on 15<sup>th</sup> Street and Mr. Elling covered it all.

**CLAIMS:**

**Mr. Crawford** presented a claim for the final invoice for the Robert E. Lee Lift Station in the net amount of \$46, 923.23 for the retainage.

**Mr. Utz moved to approve the claim in the amount of \$46,923.23 to MAC, Ms. Coyle second, all voted in favor.**

**ADJOURNMENT:**

There being no further business before the Sewer Board, the meeting adjourned at 9:46 a.m.

Respectfully submitted,

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Ron Carroll, Chairman

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Marcey J. Wisman, City Clerk